

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

CRYSTAL IMPORT CORP., an Alabama corporation,

Civil No. 05-2527 (DSD / SRN)

Plaintiff,

ORDER

v.

AVID IDENTIFICATION SYSTEMS,
INC., a California corporation, and
DIGITAL ANGEL CORP., a Minnesota corporation,

Defendants.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated April 28, 2008. No objections have been filed to that Report and Recommendation in the time period permitted. However, on May 20, 2008, the court sustained defendant Avid Identification Systems, Inc.'s objection to the magistrate judge's January 30, 2008, order granting plaintiff Crystal Import Corporation's motion to amend its second amended complaint to add a claim pursuant to Walker Process Equip., Inc. v. Food Mach. & Chem. Corp., 382 U.S. 172, 174 (1965). Therefore, the magistrate judge's April 28 recommendation related to bifurcating this action and staying the Walker Process claim is moot.

Accordingly, based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that AVID's renewed motion to stay (Doc. No. 184) is DENIED.

DATED: May 20, 2008.

s/David S. Doty
Judge David S. Doty
United States District Court Judge